

**Notice of Allowability**

Application No.

10/614,550

Examiner

Christopher D. Prone

Applicant(s)

METZGER ET AL.

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Pre Brief Conference Request received on 9/13/06.
2. ☒ The allowed claim(s) is/are 1-8,10,11,13-15,17,18,20,21,23-25 and 28.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 11/9/06.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

CDP

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Richard Warner on 11/9/06.

The application has been amended as follows:

Claims 1-8, 10, 11, 13-15, 17, 18, 20, 21, 23-25, and 28 are replaced with the following claims

1. A knee joint prosthesis system adapted to replace the articulating knee portion of a femur and a tibia, the femur having a resected engagement surface, said knee joint prosthesis system having a set of implants wherein the set of implants comprise:

a first femoral implant having:

a first maximum overall anterior to posterior dimension;

a first maximum overall medial to lateral dimension; and

a second femoral implant having:

a second maximum overall anterior to posterior dimension that is substantially the same as said first maximum overall anterior to posterior dimension; and

a second maximum overall medial to lateral dimension that is different than said first maximum overall medial to lateral dimension.

2. The knee joint prosthesis system of Claim 1, wherein said first femoral implant has a first maximum interior anterior/posterior dimension and said second femoral implant has a second maximum interior anterior/posterior dimension that is substantially the same as said first maximum interior anterior/posterior dimension.

3. The knee joint prosthesis system of Claim 1, further comprising a tibial implant operable to be attached to the tibia and having a tibial bearing surface.

4. The knee joint prosthesis system of Claim 3, further comprising a bearing member operable to be positioned between one of said first and said second femoral implants and said tibial implant.

5. The knee joint prosthesis system of Claim 4, wherein said bearing member is selected from a group consisting of a fixed bearing and a mobile bearing.

6. The knee joint prosthesis system of Claim 1, wherein said first femoral component implant is a first cruciate femoral implant and said second femoral implant is a second posterior stabilized (PS) femoral component implant.

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7. The knee joint prosthesis system of Claim 1, wherein said first femoral implant is a first cruciate femoral implant and said second femoral implant is a second fully constrained femoral implant.

8. The knee joint prosthesis system of Claim 1, wherein said first femoral implant further comprises a first internal mating shape and said second femoral implant further comprises a second internal mating shape, said first internal mating shape being substantially the same as said second internal mating shape.

10. A knee joint prosthesis system adapted to replace the articulating knee portion of a femur and a tibia, the femur having a resected engagement surface, said knee joint prosthesis system having a set of implants wherein the set of implants comprise:

- a first femoral implant having:

- a first maximum interior anterior/posterior dimension;

- a first maximum overall medial/lateral dimension; and

- a second femoral implant having:

- a second maximum interior anterior/posterior dimension that is substantially the same as said first maximum interior anterior/posterior dimension; and

- a second maximum overall medial/lateral dimension that is different than said first maximum overall medial/lateral dimension.

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11. The knee joint prosthesis system of Claim 10, wherein said first femoral implant further comprises a first maximum overall anterior to posterior dimension and said second femoral implant further comprises a second maximum overall anterior to posterior dimension, said first maximum overall anterior/posterior dimension being substantially the same as said second maximum overall anterior/posterior dimension.

13. The knee joint prosthesis system of Claim 10, further comprising a tibial implant operable to be attached to the tibia and having a tibial bearing surface.

14. The knee joint prosthesis system of Claim 10, further comprising a bearing member operable to be positioned between at least one of said first femoral implant and said second femoral implant and said tibial implant.

15. The knee joint prosthesis system of Claim 14, wherein said bearing member is selected from a group consisting of a fixed bearing and a mobile bearing.

17. The knee joint prosthesis system of Claim 10, wherein said first femoral implant further comprises a first internal mating shape and said second femoral implant further comprises a second internal mating shape, said first internal mating shape being substantially the same as said second internal mating shape.

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18. A knee joint prosthesis system adapted to replace the articulating knee portion of a femur and a tibia, the femur having a resected engagement surface, the knee joint prosthesis system having a set of implants wherein the set of implants comprises:

- a first femoral implant having:

- a first posterior condylar region having a first thickness;

- a first maximum overall medial to lateral dimension; and

- a second femoral implant having:

- a second posterior condylar region having a second thickness that is different than said first thickness;

- a second maximum overall medial to lateral dimension that is different than said first overall medial to lateral dimension.

20. The prosthesis system of Claim 18, wherein said first femoral implant further comprises a first maximum overall anterior to posterior dimension and said second femoral implant further comprises a second maximum overall anterior to posterior dimension that is substantially the same as said first maximum overall anterior to posterior dimension.

21. The prosthesis system of Claim 18, wherein said first femoral implant further comprises a first maximum interior anterior/posterior dimension and said second femoral implant further comprises a second maximum interior anterior/posterior

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dimension that is substantially the same as said first maximum interior anterior/posterior dimension.

23. The prosthesis system of Claim 18, wherein said first femoral implant further comprises a first internal mating shape and said second femoral implant further comprises a second internal mating shape, said first internal mating shape being substantially the same as said second internal mating shape.

24. (Currently Amended) A method for implanting a femoral implant of a knee joint prosthesis system having a set of femoral implants to a femur having a resected engagement surface, said method comprising:

- resecting the femur to provide the resected engagement surface;

- providing a first femoral implant having a first maximum medial/lateral dimension and a first maximum interior anterior/posterior dimension;

- providing a second femoral implant having a second maximum medial/lateral dimension that is different than said first maximum medial/lateral dimension and a second maximum interior anterior/posterior dimension that is at least substantially the same as said first maximum interior anterior/posterior dimension;

- determining whether said first femoral implant or said second femoral implant is properly sized to fit said resected engagement surface; and

- securing either said first femoral implant or said second femoral implant to said femur.

25. The method of Claim 24, wherein said first femoral implant further comprises a first maximum overall anterior/posterior dimension and said second femoral implant further comprises a second maximum overall anterior/posterior dimension that is substantially the same as said first maximum overall anterior/posterior dimension.

28. The method of Claim 24, wherein said first femoral implant further comprises a first internal mating shape and said second femoral implant further comprises a second internal mating shape, said first internal mating shape being substantially the same as said second internal mating shape.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher D. Prone whose telephone number is (571) 272-6085. The examiner can normally be reached on Monday Through Fri 8:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Corrine McDermott can be reached on (571) 272-4754. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.




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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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